



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

NAME OF SHIP: MV 'ORIENT STRIDE'
ASIATIC SHIPPING SERVICES INC AND ELGINA MARINE COMPANY
LTD CASE MP 487/07

From : The Registrar, Supreme Court of Appeal

Date: 23 September 2008

Status: Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

The Supreme Court of Appeal today dismissed an appeal against a decision of the Durban High Court refusing to set aside the arrest of bunkers aboard the MV *Orient Stride* to provide security for a claim subject to arbitration proceedings in London.

The arrest had been obtained at the instance of a Cypriot company which alleged that the owner of the bunkers had breached a charter party in terms of which it had hired the MV *Columbine Express* for a 40 day voyage but had redelivered the vessel almost 6 weeks late.

The issue was whether the arresting party, Elgina Marine Company Ltd of Limassol, Cyprus, had discharged the onus of proving that it had a genuine and reasonable need for security. The Supreme Court of Appeal held that what Elgina was required to prove was no more than that it had a reasonable apprehension that the owner of the bunkers, a Malaysian company, would not satisfy an award made in favour of the arresting party. The court held that on the evidence Elgina had discharged the onus of prove

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